

### § 2691. General provisions relating to administrative proceedings

#### (a) Applicability

This section applies to the promulgation or revision of any regulation issued under this subchapter.

#### (b) Rulemaking docket

Not later than the date of proposal of any action to which this section applies, the Administrator shall establish a rulemaking docket for such action (hereinafter in this subsection referred to as a “rule”). Whenever a rule applies only within a particular State, a second (identical) docket shall be established in the appropriate regional office of the Environmental Protection Agency.

#### (c) Inspection and copying

(1) The rulemaking docket required under subsection (b) of this section shall be open for inspection by the public at reasonable times specified in the notice of proposed rulemaking. Any person may copy documents contained in the docket. The Administrator shall provide copying facilities which may be used at the expense of the person seeking copies, but the Administrator may waive or reduce such expenses in such instances as the public interest requires. Any person may request copies by mail if the person pays the expenses, including personnel costs to do the copying.

(2)(A) Promptly upon receipt by the agency, all written comments and documentary information on the proposed rule received from any person for inclusion in the docket during the comment period shall be placed in the docket. The transcript of public hearings, if any, on the proposed rule shall also be included in the docket promptly upon receipt from the person who transcribed such hearings. All documents which become available after the proposed rule has been published and which the Administrator determines are of central relevance to the rulemaking shall be placed in the docket as soon as possible after their availability.

(B) The drafts of proposed rules submitted by the Administrator to the Office of Management and Budget for any interagency review process prior to proposal of any such rule, all documents accompanying such drafts, and all written comments thereon by other agencies and all written responses to such written comments by the Administrator shall be placed in the docket no later than the date of proposal of the rule. The drafts of the final rule submitted for such review process prior to promulgation and all such written comments thereon, all documents accompanying such drafts, and written responses thereto shall be placed in the docket no later than the date of promulgation.

#### (d) Explanation

(1) The promulgated rule shall be accompanied by an explanation of the reasons for any major changes in the promulgated rule from the proposed rule.

(2) The promulgated rule shall also be accompanied by a response to each of the significant comments, criticisms, and new data submitted in written or oral presentations during the comment period.

(3) The promulgated rule may not be based (in part or whole) on any information or data which has not been placed in the docket as of the date of such promulgation.

#### (e) Judicial review

The material referred to in subsection (c)(2)(B) of this section shall not be included in the record for judicial review.

#### (f) Effective date

The requirements of this section shall take effect with respect to any rule the proposal of which occurs after 90 days after October 28, 1992.

(Pub. L. 94-469, title IV, §411, as added Pub. L. 102-550, title X, §1021(a), Oct. 28, 1992, 106 Stat. 3922.)

### § 2692. Authorization of appropriations

There are authorized to be appropriated to carry out the purposes of this subchapter such sums as may be necessary.

(Pub. L. 94-469, title IV, §412, as added Pub. L. 102-550, title X, §1021(a), Oct. 28, 1992, 106 Stat. 3923.)

## CHAPTER 54—AUTOMOTIVE PROPULSION RESEARCH AND DEVELOPMENT

Sec.	
2701.	Congressional findings and purpose.
2702.	Definitions.
2703.	Advanced systems program implementation by Secretary of Energy. <ul style="list-style-type: none"> <li>(a) Establishment and conduct of program.</li> <li>(b) Contracts and grants with Federal agencies, laboratories, etc.</li> <li>(c) Federal laboratories; priority for financial assistance; functions.</li> <li>(d) Evaluations, testing, information dissemination, and reporting functions.</li> <li>(e) Intensification of research in basic areas by Department of Energy.</li> <li>(f) Program provisions and requirements; administrative and judicial procedures applicable to contracts, grants, or projects; additional information for reports and budget submissions; nonretroactivity of provisions and requirements.</li> </ul>
2704.	Evaluation by Secretary of Transportation on utilization of advanced technology by automobile industry.
2705.	Coordinating and consulting requirements and authorities of Secretary of Energy. <ul style="list-style-type: none"> <li>(a) Conduct of overall management responsibilities.</li> <li>(b) Exercise of powers by Secretary of Transportation.</li> <li>(c) Requests for assistance of Federal departments, etc.</li> <li>(d) Consultations with Administrator of Environmental Protection Agency and Secretary of Transportation; establishment of procedures for periodic consultation with interested groups; establishment and functions of advisory panels.</li> <li>(e) Responsibilities under other Federal automotive research, development, and demonstration provisions unaffected.</li> </ul>
2706.	Informational and testing functions of Secretary of Energy.

Sec.

- (a) Evaluations of new or improved technologies pursuant to written submissions.
  - (b) Testing by Administrator of Environmental Protection Agency of systems developed under research and development program or submitted by Secretary; scope and purposes of tests; submission of test data and results to Secretary.
  - (c) Collection, analysis, and dissemination of information, data, and materials to developers.
2707. Patents and inventions; statutory provisions applicable; contracts or grants covered.
2708. Comptroller General audit and examination of books, etc.; statutory provisions applicable; contracts or grants covered.
2709. Reports to Congress by Secretary of Energy.
- (a) Comprehensive program, etc.
  - (b) Study on financial obligation guarantees.
2710. Authorization of appropriations.

### § 2701. Congressional findings and purpose

- (a) The Congress finds that—
- (1) existing automobile propulsion systems, on the average, fall short of meeting the long-term goals of the Nation with respect to environmental protection, and energy conservation;
  - (2) advanced alternatives to existing automobile propulsion systems could, with sufficient research and development effort, meet these long-term goals, and have the potential to be mass produced at reasonable cost; and advanced automobile propulsion systems could operate with significantly less adverse environmental impact and fuel consumption than existing automobiles, while meeting all of the other requirements of Federal law;
  - (3) insufficient resources are being devoted to both research on and development of advanced automobile propulsion system technology;
  - (4) an expanded research and development effort with respect to advance automobile propulsion system technology would complement and stimulate corresponding efforts by the private sector and would encourage automobile manufacturers to consider seriously the incorporation of such advanced technology into automobiles and automobile components; and
  - (5) the Nation's energy and environmental problems are urgent, and therefore advanced automobile propulsion system technology should be developed, tested, demonstrated, and prepared for manufacture within the shortest practicable time.
- (b) It is therefore the purpose of the Congress, in this chapter to—
- (1)(A) direct the Department of Energy to make contracts and grants for research and development leading to the development of advanced automobile propulsion systems within 5 years of February 25, 1978, or within the shortest practicable time consistent with appropriate research and development techniques, and (B) evaluate and disseminate information with respect to advanced automobile propulsion system technology;
  - (2) preserve, enhance, and facilitate competition in research, development, and production

with respect to existing and alternative automobile propulsion systems; and

(3) supplement, but neither supplant nor duplicate, the automotive propulsion system research and development efforts of private industry.

(Pub. L. 95-238, title III, §302, Feb. 25, 1978, 92 Stat. 78.)

### SHORT TITLE

Section 301 of title III of Pub. L. 95-238 provided that: "This title [enacting this chapter and amending section 2451 of Title 42, The Public Health and Welfare] may be cited as the 'Automotive Propulsion Research and Development Act of 1978'."

### § 2702. Definitions

As used in this chapter, the term—

(1) "advanced automobile propulsion system" means an energy conversion system, including engine and drive train, which utilizes advanced technology and is suitable for use in an advanced automobile;

(2) "developer" means any person engaged in whole or in part in research or other efforts directed toward the development of advanced automobile technology;

(3) "fuel" means any energy source capable of propelling an automobile;

(4) "fuel economy" refers to the average distance traveled in representative driving conditions by an automobile per unit of fuel consumed, as determined by the Administrator of the Environmental Protection Agency in accordance with test procedures which shall be established by rule and shall require that fuel economy tests be conducted in conjunction with the exhaust emissions tests mandated by section 7525 of title 42;

(5) "intermodal adaptability" refers to any characteristics of an automobile which enable it to be operated or carried, or which facilitate its operation or carriage, by or on an alternative mode or other system of transportation;

(6) "reliability" refers to (A) the average time and distance over which normal automobile operation can be expected without significant repair or replacement of parts, and (B) the ease of diagnosis and repair of an automobile, its systems, and parts in the event of failure during use or damage from an accident;

(7) "safety" refers to the performance of an automobile propulsion system or equipment in such a manner that the public is protected against unreasonable risk of accident and against unreasonable risk of death or bodily injury in case of accident;

(8) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

(Pub. L. 95-238, title III, §303, Feb. 25, 1978, 92 Stat. 79.)

### REFERENCES IN TEXT

Section 7525 of title 42, referred to in par. (4), was in the original "section 206 of the Clean Air Act (42 U.S.C. 1857f-5)", meaning act July 14, 1955, ch. 360, §206, as added Dec. 31, 1970, Pub. L. 91-604, §8(a), 84 Stat. 1694,